

Squire Patton Boggs
Rutland House
148 Edmund Street
Birmingham
B3 2JR

13th May 2019

Initially by e-mail: russell.hill@squirepb.com & devinder.singh@squirepb.com

Dear Sirs

Squire Patton Boggs LLP Solicitors -v- London Block Exchange Ltd
Case number: CR-2019-001356
Court: The High Court of Justice

Thank you for your letter dated 7th May 2019 ("**your Letter**"), where you state that you write "*in respect of service of evidence*" but our letter of 4th May 2019 was not in respect of evidence but in respect of your Firm having disclosed our client's Director's enlarged- A4 size of a photo-passport page, that is not evidence but sensitive personal data.

As you are aware, there are currently parallel proceedings on almost the same issue of your solicitor's invoices at the High Court of Justice: (1) at the Senior Court Costs Office and (2) at the Business and insolvency Courts.

We have proposed that the SCCO matter proceeds before your Petition, so the issue of the disputed retainer and your disputed Final Bill is determined by Costs Master Rowley, but you have refused. As a result, almost same proceedings continue at 2 different venues. In your e-mail of 1st May 2019, you stated: "*We do not agree with your proposal*".

You ask us to respond to your Letter having recently confirmed that you were unwilling to enter into further correspondence. In your e-mail of 1st May 2019, you state: "*To avoid the parties incurring any further unnecessary costs, we do not intend to debate either matter any further*". In our e-mail of 29th April 2019, we stated: "*Please respond to the points made in our Friday letter, below emails and in particular to the above (4)*" but you have not responded. We respectfully invite you to look at the previous professional correspondence sent to your Firm.

Consequently, there is a long list of outstanding issues that you have not responded to or not responded to substantively. These are, inter alia, the urgent matters raised in relation to your Firm:

- a) holding of £13,000 since 20th March 2019, in your solicitors' client account and your basis for holding these funds
- b) particulars of your contact with any other parties representing as creditors or possible creditors

Despite your lack of substantive reply, we herein respond to your Letter adopting your own numbering:

1. Your files are unfortunately too large, difficult to open and as any such large files might have posed a possible cybersecurity risk without having received a prior and proper notification from the recipient that they had been given a digital bill of health. We had your Witness Statement in the post, and it is not a large document that could have been easily scanned into 1 manageable file. You have scanned it into 4 very large attachments and there are established alternatives to same e.g. *egress*, *data graphics* or even *cjsm* that might have been utilised with parties' prior agreement.

2. You are mistaken with the dates you quote, we first contacted your firm on 27th March 2019, and we did not write to you on 22nd March. Although we initially offered for parties to accept service in the proceedings, you did not acknowledge nor respond to this offer. Consequently, on 4th May 2019, we informed you that you were in breach of CPR r.32.10 in respect of the Order of 10th April 2019 of Chief Registrar Baber. In your e-mail of 1st May, you stated: "*Directions have been set in both sets of proceedings and we expect both parties to comply with them.*" We support that position and we now have your Witness Statement.

3. We refer to CPR r.32.10. With respect, you were previously in breach of 25.14 of the Chancery Guide when on 10th April 2019 at Court we produced the bundle to save your hearing. In your prior and further correspondence, you continued to incorrectly argue the point after we explained it in detail to your Firm. In your e-mail of 26th April 2019, you stated incorrectly:

"we have attached again: a) copy of the winding up petition which contains a total of 10 pages; and b) a copy of the witness statement in support which contains a total of 13 pages, both of which together only contain 23 pages, not the "over 30" which you state below. That is simply incorrect."

You stated the above despite the position expressed in our email sent to you on the day before i.e. on 25th April 2019:

*"As a final Winding Up Petition point, we were grateful for your e-mail of 9th April 2019 @18:46 responding to our request for a Bundle that you did not produce but instead referred us to 25.27 of the Chancery Guide, that we agreed to @19:25. The said Guide states at **25.14**:*

*"A hearing bundle must be lodged in accordance with Chapter 15 for all claims where there are more than 30 pages and/or all hearings that have a listing time of 15 minutes or more. There is a strict policy of "**no bundle, no hearing**". Bundles should contain copies of all documents relevant to the hearing. The person seeking a remedy at the hearing is responsible for the bundle being lodged..."*

The Bundle was **over 30 pages** because on 4th April 2019 we filed an objection to your Winding Up Petition that consists of 29 pages thus making the bundle on 4th April, **59 pages**. Further, our client served and filed a Witness Statement. Despite a suggestion from Master Rowley made on 9th April 2019, you did not agree any SCCO Directions right after the hearing on 9th April 2019 and our client accounted for that matter thereby. That Witness statement consists of further 36 pages with its 2 Exhibits. The Bundle we produced and handed over to your counsel on 10th April 2019 was **95 pages** and 2 weeks later you still wrote to us claiming that it was unnecessary and that it was 23 pages.

On Friday 25th April 2019, after not responding for 2 weeks to our e-mail with Draft Directions, you wrote to us stating, that your Firm had not been *served* with the SCCO Claim, but you were of course served multiple times as per our letter of 25th April 2019:

“Your Firm was served with a copy of same on 4th April 2019. A further copy was additionally served and filed in the Winding Up Petition on 4th April 2019 together with a copy of our email to your Firm of 9th April 2019. A further reference to same is made in our e-mail written to your Firm on 25th April 2019. Moreover, your Firm failed to provide a Bundle for Hearing at the High Court on 10th April 2019 in your Winding Up petition and a reference to same is again made in our e-mail of 25th April. This Firm had no choice but to produce the bundle to ensure that your hearing goes ahead and as part of that bundle given your counsel at Court, we enclosed a copy of the issued proceedings yet again.”

Further, there was a problem, as you know, with your Certificate in respect of the Petition and in previous correspondence you appeared to have wanted us to explain what a Final Solicitors’ Bill was.

4. We understand that it is your position that you acted for our client and were its solicitors. On that basis, our client’s Director is concentrated about your approach to the sensitive data in question. Please also see to the above (3).

You have been made aware of the distress that the Passport disclosure caused to our client’s Director who will now need to change his passport and obtain a new one from the Identity and Passport Office. We would be very grateful if you could confirm that you would cover the small Passport fee associated with same.

When writing to you on 4th May 2019, we were hoping that your enclosure of the Passport was made inadvertently but, in your Letter, you give reasons for deliberately enclosing same and state *“the use of passport copy is necessary in documenting the truth”*.

As you can see, we continue to attempt to resolve the matter of the Passport amicably despite your confirmation that the enclosure of same was not inadvertent.

We were not referring to GDPR when we wrote to you on the issue of the Passport. It is not just a GDPR issue, where personal details not limited to date of birth, place of birth, passports number, biometrics photo and other sensitive personal details are availed to any third party inspecting the Court file.

You state that you *“see no reason for the passport copy to compromise his sensitive personal data”*. Information Commissionaire, Action Fraud and Passport and Identity Office all give extensive and publicly available advice on such matters. You will also be aware of your responsibilities in storing, administering personal data. Please confirm the basis upon which you received and continue to store our client’s passport copy.

In paragraph 2 of page 2 of your Letter, you cite a different reason for the disclosure of the Passport page and refer to the SCCO proceedings that deal with the matter of your Firm’s disputed retainer and you state that you are *“perfectly entitled to produce (it)”*. We ask that you reconsider your position and your sense of, as you say, *entitlement* to our client’s Director’s personal sensitive data.

We enclose a copy of our letter to the Court asking for the Passport part of your Witness Statement to be sealed.

We hope that you agree that the costs of all this matter are getting out of hand. Our client is, nevertheless, entitled to a proper Statute Bill without any costs and your Firm continues to attempt



to wind it up without any determination of the SCCO action. Our client's Director is also entitled to safeguard his personal sensitive data.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'W Legal'.

W Legal Limited

Encl.

Court Officer
The High Court of Justice
Business and Property Courts
Companies Court

By e-file

8th May 2019

Dear Sir or Madam

Squire Patton Boggs LLP Solicitors -v- London Block Exchange Ltd
Case number: CR-2019-001356

As the Court is aware, we act for the Company in the above matter.

We write further to the Order of Judge Barber (Chief Registrar) of 10th April 2019 that ordered the Petitioner to, inter alia, to: *"serve evidence in reply by 4pm on 1st May 2019"*.

The Petitioner has sent us *"Second Witness Statement of Mr Russell Hill"* dated 1st May 2019 enclosing, on page 16 of an exhibit thereto, an enlarged A4 photocopy of a Passport of our client's Director and a copy of same, we understand, has been filed with/sent to the Court.

The Petitioner has since given an undertaking that only 2 copies of the Passport copy have been sent, one to us and one to the Court. Please urgently seal the Passport copy as *"Private and Confidential"* so it must not be disclosed to any party viewing the Court file or requesting a copy of that Witness Statement filed by the Petitioner. Our client's Director is concerned that his sensitive personal data, inclusive of his date of birth, place to birth, passport number and a biometric photo are now unsecured on the Court file as a result of the Petitioner's filing.

We are grateful to the Honourable Court for its ongoing assistance and apologise for any inconvenience caused but the Company had not control over the above.

Yours faithfully,



W Legal Limited